

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

**R.M.S. TITANIC, INC.,  
successor-in-interest to  
Titanic Ventures, limited partnership,  
Plaintiff,**

**v.**

**Civil Action No. 2:93cv902**

**THE WRECKED AND ABANDONED VESSEL,  
ITS ENGINES, TACKLE, APPAREL,  
APPURTENANCES, CARGO, ETC., LOCATED  
WITHIN ONE (1) NAUTICAL MILE OF A POINT  
LOCATED AT 41 43' 32" NORTH LATITUDE  
AND 49 56' 49" WEST LONGITUDE,  
BELIEVED TO BE THE R.M.S. TITANIC  
in rem,**

**Defendant.**

**EMERGENCY MOTION TO INTERVENE  
AND, IF GRANTED, FOR AN EXTENSION OF TIME TO FILE AN APPEAL**

COMES NOW the United States of America, and moves pursuant to Federal Rule of Civil Procedure 24(a), or in the alternative Federal Rule of Civil Procedure 24(b), to intervene in this matter for all purposes necessary to protect the United States' interests, and those of the *Titanic*, in the proper application of Section 113 of Consolidated Appropriations Act, 2017, Pub. L. No. 115-31 (May 5, 2017) ("Sec. 113") in this admiralty proceeding; to ensure RMST's activities are consistent with federal law; and, to protect the United States' ability to comply with its obligations under federal law and the International Agreement. The purposes for which the United States seeks to intervene include:

1. To move the district court to reconsider its May 18, 2020, Opinion pursuant to Federal Rules of Civil Procedure 54(b) and 59(e);

2. To seek a declaratory judgment that Sec. 113 modified general maritime law and that RMST is required to comply with Sec. 113, and obtain an authorization from the Secretary of Commerce before conducting “any research, exploration, salvage, or other activity that would physically alter or disturb the wreck or wreck site of the *RMS Titanic*;”
3. To enjoin RMST from conducting “any research, exploration, salvage, or other activity that would physically alter or disturb the wreck or wreck site of the *RMS Titanic*” until it has obtained a Sec. 113 authorization for such activity from the Secretary of Commerce; and
4. To move for an extension of time pursuant to Federal Rule of Appellate Procedure 4(a)(5) to appeal the district court’s May 18, 2020, Opinion, so that this Court will have sufficient time to rule on the declaratory and injunctive relief sought by the United States, and to ensure the United States remains able to protect its interests through appeal, if necessary. The United States requests until July 17, 2020 to appeal or 14 days from the date of this Court’s order granting an extension, whichever is later, as permitted under Federal Rule of Appellate Procedure 4(a)(5)(C).

Pursuant to Federal Rule of Civil Procedure 24(c), a Verified Complaint for Declaratory and Injunctive Relief is attached hereto.

The United States respectfully requests the Court consider this motion to intervene, and if intervention is granted, a request for an extension of time to file an appeal, on an emergency basis in light of the rapidly approaching deadline for noticing an appeal (June 17, 2020), Fed. R. App. P. 4(a)(1)(A), as well as the deadline for filing a motion pursuant to Rule 59(e) (June 15, 2020), Fed. R. Civ. P. 59(e).

The United States further respectfully requests that the Court grant the motion to intervene *nunc pro tunc* to the date of this motion.

Respectfully submitted,

G. Zachary Terwilliger  
United States Attorney

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### CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of June, 2020, I will electronically file the foregoing document with the Clerk of Court using the CM/ECF system, which will then send a notification of electronic filing (NEF) to the following:

<b>Brian Andrew Wainger</b> Kaleo Legal 4456 Corporation Lane Suite 135 Virginia Beach, VA 23462 Email: <a href="mailto:bwainger@kaleolegal.com">bwainger@kaleolegal.com</a>	<b>David G. Barger, VSB #21652</b> GREENBERG TRAURIG, LLP 1750 Tysons Boulevard, Suite 1200 McLean, Virginia 22102 Tel: (703) 749-1300 Fax: (703) 749-1301 E-Mail: <a href="mailto:BargerD@gtlaw.com">BargerD@gtlaw.com</a>
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